

REMARKS

In the Office Action mailed November 9, 2007, the Examiner withdrew the restriction mailed November 9, 2007, and restricted the claims under 35 U.S.C. §§121 and 372 into five different groups:

Group I: Claims 1-12 drawn to a product namely nucleic acid which binds to bioactive ghrelin;

Group II: Claims 13-21 and 31-78 drawn to use and method for detecting bioactive ghrelin by binding nucleic acid;

Group III: Claims 22-26 drawn to use of nucleic acid for inhibition of bioactive ghrelin;

Group IV: Claim 27 drawn to use of nucleic acid for manufacture of a medicament; and

Group V: Claims 28-30 drawn to use of a medicament for treatment and/or prevention of a disease.

The Examiner also required Applicants to elect a species from the categories listed for each group of claims, and identify the claims readable on the elected species.

Applicants elect for prosecution the claims in Group I (claims 1-12) directed to a product, nucleic acid which binds to bioactive ghrelin. Applicants also elect the following species relevant to the elected group of claims:

Category a – (Species of nucleic acid) option i - wherein the nucleic acid is an L-nucleic acid. Claims 1-12 read on the elected species.

Category b – (Species of nucleic acid based on structure) – option v, wherein the nucleic acid has structure shown in Figure 1B. Claims 1-12 read on the elected species.

Category c – (Species of nucleic acid based on binding to ghrelin) – option xxii – nucleic acid which – specifically binds to bioactive ghrelin. Claims 1-2 and 4-12 read on the elected species.

An early and favorable Office Action is respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 14167-00002-US. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated: September 23, 2008

By /Liza D. Hohenschutz/
Liza D. Hohenschutz
Registration No.: 33,712
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

633656